

REMARKS

Please reconsider the application in view of the above amendments and the following remarks. Applicants thank the Examiner for carefully considering the application.

Status of Claims

Claims 1-6, 10-15, 17, 19-20, and 22-24 were pending in the application. Claim 23 is hereby cancelled without prejudice or disclaimer. Accordingly, claims 1-6, 10-15, 17, 19-20, 22, and 24 remain pending. Claims 1, 11, 20, and 22 are independent. The remaining claims depend, directly or indirectly, from independent claims 1 and 11.

Claim Amendments

Claims 1, 11, 20, and 22 are hereby amended to incorporate the limitations of now-cancelled claim 23, and to clarify aspects of the invention. Claim 4 is hereby amended to address an antecedent basis issue arising from the amendment to independent claim 1. Claim 17 is hereby amended to depend from independent claim 1. These amendments do not introduce any new subject matter as support can be found, for example, in paragraph [0034] of the specification as filed.

Claim Objections

The Examiner has objected to claim 17 as depending from claim 16, which was cancelled in an earlier amendment. As noted above, claim 17 is hereby amended to depend from independent claim 1. Accordingly, withdrawal of the objection is respectfully requested.

Rejections under 35 U.S.C. § 102

Claims 1, 2, 11, 12, 20, and 22-24 stand rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent Application Publication No. 2005/0010930 A1 ("Vaught"). The rejection is moot with respect to now-cancelled claim 23. To the extent that the rejection may still apply to the amended claims, the rejection is respectfully traversed.

"A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." Further, "[t]he identical invention must be shown in as complete detail as is contained in the ... claim." MPEP § 2131. Applicants respectfully submit that Vaught does not describe each and every element of amended independent claims 1, 11, 20, and 22.

Amended independent claim 1 recites, in part:

- selectively enabling the probe to obtain an enabled probe, ...
wherein the probe is enabled for a plurality of multiplexed tracing consumers and different actions are associated with the probe for each of the plurality of multiplexed tracing consumers; ...
- performing a first action associated with the probe for a first tracing consumer selected from the plurality of multiplexed tracing consumers; and
- performing a second action associated with the probe for a second tracing consumer selected from the plurality of multiplexed tracing consumers,
- wherein the first action and the second action are performed by the tracing framework when control flow is transferred to the tracing framework.

Amended independent claims 11, 20, and 22 recite similar limitations. Thus, amended independent claims 1, 11, 20, and 22 clearly require associating different actions with the same probe for multiple "multiplexed tracing consumers." Read in light of the specification, the term "tracing

consumer” refers to a virtual client that defines one or more actions to perform when a probe is encountered. *See, e.g.*, paragraph [0024] of the specification as filed. Specifically, as recited above, when the probe is fired, a “first action ... for a first tracing consumer” and a “second action ... for a second tracing consumer” are performed by the tracing framework.

Vaught is directed to profiling application events. Specifically, Vaught describes registering a profiler as a provider to an event tracer. The profiler then captures information associated with events. *See, e.g.*, Vaught, [0002] and [0004]. The Examiner has suggested that paragraph [0020], lines 1-4 and 7-8 of Vaught describe “wherein the probe is enabled for a plurality of multiplexed consumers, wherein different actions are associated with the probe for each of the plurality of multiplexed tracing consumers.” *See* Office Action dated March 27, 2008, p. 8. To the contrary, the cited passage merely describes “callbacks” (for example, “class load started,” “class load finished,” “function entered,” “function leave,” *etc.*) implemented by the profiler. In other words, the cited passage describes various entry and exit points that may be instrumented using the event tracer. Clearly, entry and exit points are not equivalent to the “multiplexed tracing consumers” recited in amended independent claims 1, 11, 20, and 22. In particular, the cited passage does not describe performing a “first action ... for a first tracing consumer” and a “second action ... for a second tracing consumer” when the probe is fired. In fact, Vaught is completely silent with respect to the concept of “a plurality of multiplexed tracing consumers,” as required by amended independent claims 1, 11, 20, and 22.

In view of the above, Vaught clearly does not describe each and every element of amended independent claims 1, 11, 20, and 22. Therefore, amended independent claims 1, 11, 20,

and 22 are patentable over Vaught for at least the reasons given above. Claims 2-6, 10, 12-15, 17, 19, and 24 depend, directly or indirectly, from amended independent claims 1 and 11. Therefore, claims 2-6, 10, 12-15, 17, 19, and 24 are patentable over Vaught for at least the same reasons. Withdrawal of the rejection is respectfully requested.

Rejections under 35 U.S.C. § 103

“Obviousness [under 35 U.S.C. § 103] is a question of law based on underlying factual inquiries.” MPEP § 2141. Specific factual inquiries for determining obviousness were laid out in *Graham v. John Deere Co. (Graham)*, 383 U.S. 1, 148 USPQ 459 (1966), and reiterated by the Supreme Court in *KSR International Co. v. Teleflex Inc. (KSR)*, 550 U.S. ___, 82 USPQ2d 1385 (2007). “The question of obviousness must be resolved on the basis of these factual determinations. While each case is different and must be decided on its own facts, the *Graham* factors, including secondary considerations when present, are the controlling inquiries in any obviousness analysis.” MPEP § 2141.

MPEP § 2143 states that “[t]he key to supporting any rejection under 35 U.S.C. 103 is the clear articulation of the reason(s) why the claimed invention would have been obvious. The Supreme Court in *KSR* noted that the analysis supporting a rejection under 35 U.S.C. 103 should be made explicit.” Further, when combining prior art elements, the Examiner “must articulate the following: (1) a finding that the prior art included each element claimed, although not necessarily in a single prior art reference, with the only difference between the claimed invention and the prior art

being the lack of actual combination of the elements in a single prior art reference....” MPEP § 2143(A).

Claims 4-6, 10, 13, 14, and 17

Claims 4-6, 10, 13, 14, and 17 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Vaught in view of U.S. Patent Application Publication No. 2004/0123279 A1 (“Boykin”). To the extent that the rejection may still apply to the amended claims, the rejection is respectfully traversed.

As noted above, Vaught does not describe each and every element of amended independent claims 1 and 11. Further, Boykin does not supply what Vaught lacks. Specifically, although Boykin is generally directed to using instrumentation probes (*see, e.g.*, Boykin, abstract), Boykin does not describe a “plurality of multiplexed tracing consumers” associated with a probe. More specifically, Boykin does not describe performing a “first action ... for a first tracing consumer” and a “second action ... for a second tracing consumer” when the probe is fired, as required by amended independent claims 1 and 11.

In view of the above, Vaught and Boykin, whether viewed separately or in combination, clearly do not include each element of amended independent claims 1 and 11. Further, Applicants submit that the differences between the cited references and the claimed invention would not have been obvious to one of ordinary skill in the art at the time the invention was made. Therefore, amended independent claims 1 and 11 are patentable over the cited art for at

least the reasons given above. Claims 4-6, 10, 13, 14, and 17 depend, directly or indirectly, from amended independent claims 1 and 11, and therefore are patentable over the cited references for at least the same reasons. Accordingly, withdrawal of the rejection is respectfully requested.

Claim 19

Claim 19 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Vaught in view of U.S. Patent Application Publication No. 2002/0199172 A1 ("Bunnell"). To the extent that the rejection may still apply to the amended claims, the rejection is respectfully traversed.

As noted above, Vaught does not describe each and every element of amended independent claim 11. Further, Bunnell does not supply what Vaught lacks. Specifically, although Bunnell is generally directed to instrumenting program code (*see, e.g.*, Bunnell, abstract), Bunnell does not describe a "plurality of multiplexed tracing consumers" associated with a probe. More specifically, Bunnell does not describe performing a "first action ... for a first tracing consumer" and a "second action ... for a second tracing consumer" when the probe is fired, as required by amended independent claim 11.

In view of the above, Vaught and Bunnell, whether viewed separately or in combination, clearly do not include each element of amended independent claim 11. Further, Applicants submit that the differences between the cited references and the claimed invention would not have been obvious to one of ordinary skill in the art at the time the invention was made.

Therefore, amended independent claim 11 is patentable over the cited art for at least the reasons given above. Claim 19 depends directly from amended independent claim 11, and therefore is patentable over the cited references for at least the same reasons. Accordingly, withdrawal of the rejection is respectfully requested.

Claims 3 and 15

Claims 3 and 15 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Vaught in view of U.S. Patent Application Publication No. 2003/0149960 A1 (“Inamdar”). To the extent that the rejection may still apply to the amended claims, the rejection is respectfully traversed.

As noted above, Vaught does not describe each and every element of amended independent claims 1 and 11. Further, Inamdar does not supply what Vaught lacks. Specifically, although Inamdar is generally directed to instrumenting program code (*see, e.g.*, Inamdar, abstract), Inamdar does not describe a “plurality of multiplexed tracing consumers” associated with a probe. More specifically, Inamdar does not describe performing a “first action ... for a first tracing consumer” and a “second action ... for a second tracing consumer” when the probe is fired, as required by amended independent claims 1 and 11.

In view of the above, Vaught and Inamdar, whether viewed separately or in combination, clearly do not include each element of amended independent claims 1 and 11. Further, Applicants submit that the differences between the cited references and the claimed

invention would not have been obvious to one of ordinary skill in the art at the time the invention was made. Therefore, amended independent claims 1 and 11 are patentable over the cited art for at least the reasons given above. Claims 3 and 15 depend, directly or indirectly, from amended independent claims 1 and 11, and therefore are patentable over the cited references for at least the same reasons. Accordingly, withdrawal of the rejection is respectfully requested.

Conclusion

Applicants believe this reply is fully responsive to all outstanding issues and places this application in condition for allowance. If this belief is incorrect, or other issues arise, the Examiner is encouraged to contact the undersigned or his associates at the telephone number listed below. Please apply any charges not covered, or any credits, to Deposit Account 50-0591 (Reference Number 03226/348001; 040250).

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